

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 9077
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CHAPTER 9077. BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT

NO. 5

Sec. 9077.0001. DEFINITION 1

Sec. 9077.0002. EMINENT DOMAIN 1

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NO. 5

Revised Law

Sec. 9077.0001. DEFINITION. In this chapter, "district" means the Bell County Water Control and Improvement District No. 5 in Bell County. (Acts 56th Leg., R.S., Ch. 227, Sec. 1 (part); New.)

Source Law

Sec. 1. Bell County Water Control and Improvement District No. 5, in Bell County, Texas,

Revisor's Note

The definition of "district" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 9077.0002. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire real estate located in Bell County.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code.

(c) The district's authority under this section to exercise the power of eminent domain expired on September 1, 2013, unless the

1 district submitted a letter to the comptroller in accordance with
2 Section 2206.101(b), Government Code, not later than December 31,
3 2012. (Acts 56th Leg., R.S., Ch. 227, Sec. 1 (part); New.)

4 Source Law

5 Sec. 1. [Bell County Water Control and
6 Improvement District No. 5, in Bell County, Texas,]
7 shall have the right to condemn for public use, under
8 the provisions of Title 52, Eminent Domain, of the
9 Revised Civil Statutes of 1925, any real estate
10 located within the boundaries of Bell County, Texas.

11 Revisor's Note

12 (1) Section 1, Chapter 227, Acts of the 56th
13 Legislature, Regular Session, 1959, provides that the
14 district "shall have the right to condemn for public
15 use" certain real estate. The revised law substitutes
16 for the quoted language "may exercise the power of
17 eminent domain to acquire" because the phrases have
18 the same meaning and the latter is consistent with
19 modern usage in laws relating to eminent domain.

20 (2) Section 1, Chapter 227, Acts of the 56th
21 Legislature, Regular Session, 1959, refers to Title
22 52, Revised Civil Statutes of 1925. That statute was
23 codified as Chapter 21, Property Code. The revised law
24 is drafted accordingly.

25 (3) Section 1, Chapter 227, Acts of the 56th
26 Legislature, Regular Session, 1959, provides that the
27 district may exercise eminent domain authority.
28 Section 2206.101, Government Code, required an entity
29 with eminent domain authority to submit a letter with
30 certain information to the comptroller not later than
31 December 31, 2012, to prevent the entity's eminent
32 domain authority from expiring on September 1, 2013.
33 To avoid the appearance that this revision recognizes
34 authority that the district may not possess at the time
35 of the revision, the revised law includes a provision
36 setting out the requirements of Section 2206.101,

Government Code.

Revisor's Note
(End of Chapter)

Section 1, Chapter 226, Acts of the 56th Legislature, Regular Session, 1959, validates certain district actions. The revised law omits the validation because it served its purpose on the date it took effect and is executed law. Section 311.031(a)(2), Government Code (Code Construction Act), provides that the repeal of a statute does not affect any validation previously made under the statute. Therefore, the omission of the executed validation provision does not affect the validation. The omitted law reads:

Sec. 1. The organization of Bell County Water Control and Improvement District No. 5, in Bell County, Texas, is hereby ratified, validated and confirmed in all respects. All acts of the Board of Directors of the District incident to defining the boundaries of the District, and in ordering, holding and declaring the results of any elections for a maintenance tax and in levying such tax for and on behalf of the District are in all things ratified, validated and confirmed.